

RECEIVED  
CENTRAL FAX CENTER

DEC 09 2005

OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000  
Evanston, Illinois 60201  
Telephone 847 - 905 - 7111  
Facsimile 847 - 905 - 7113

Date: DECEMBER 9, 2005

To: EXAMINER SERROU, A.  
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS  
Phone #: (847) 424-2521

Client/Matter No.: AUS920010283US1 (9000/37)

# of Pages:  
(including cover sheet) 27

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111 Ext. 112 AND ASK FOR JENNIFER CRUZ

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

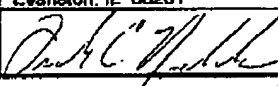
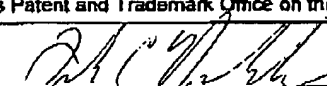
PTO 09-02 (12-07), Approved for use through 9/30/09. One 0051-0031 Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
under the Paper Reduction Act of 1992 no person is required to respond to a collection of information unless it displays a valid OMB control number

|                                                                                                |                      |                                           |
|------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------|
| <b>TRANSMITTAL FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Attorney Docket No.  | AU8920010283US1 (9000/37)                 |
|                                                                                                | Application Number   | 09/884,120                                |
|                                                                                                | Filing Date          | MAY 24, 2001 <b>RECEIVED</b>              |
|                                                                                                | First Named Inventor | KEVIN R. HOLUBA <b>CENTRAL FAX CENTER</b> |
|                                                                                                | Group Art Unit       | 2654 <b>DEC 09 2005</b>                   |
| Examiner                                                                                       | SERROU, A.           |                                           |

| ENCLOSURES (check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Status Letter<br><br><input type="checkbox"/> One-Month Petition for Extension of Time Request (dup)<br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement, PTO-1449<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers<br><br><input type="checkbox"/> Drawing Sheets<br><br><input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> To Convert a Provisional Application<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Small Entity Statement<br><br><input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input checked="" type="checkbox"/> Appeal Brief<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Post Card Receipt<br><input type="checkbox"/> Additional Enclosure(s) (please identify below)<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>09-0447</u> (IBM CORPORATION). A duplicate copy of this sheet is enclosed.                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>09-0447</u> (IBM CORPORATION). A duplicate copy of this sheet is enclosed.                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                       |

## CALCULATION OF FEE

|                                           |                        |       |                                 | Small Entity  |                 | Large Entity |    |                 |           |
|-------------------------------------------|------------------------|-------|---------------------------------|---------------|-----------------|--------------|----|-----------------|-----------|
|                                           | Claims After Amendment |       | Highest No. Previously Paid For | Present Extra | Rate            | Add'l Fee    | or | Rate            | Add'l Fee |
| Total                                     |                        | Minus |                                 | 0             | x \$25=         | 0            |    | x \$50=         |           |
| Indep.                                    |                        | Minus |                                 | 0             | x \$100=        | 0            |    | x \$200=        |           |
| First Presentation of Multiple Dep. Claim |                        |       |                                 |               | + \$180=        | —            |    | + \$360=        |           |
|                                           |                        |       |                                 |               | total add'l fee | \$ 0         |    | total add'l fee | \$ 0      |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT                                                                                                                |                                                                                                                               |      |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------|------------------|
| Firm or Individual name                                                                                                                                   | FRANK C. NICHOLAS<br>Registration No. 33,983<br>CARDINAL LAW GROUP<br>1603 Orrington Avenue, Suite 2000<br>Evanston, IL 60201 |      |                  |
| Signature                                                                                                                                                 |                                            | Date | December 9, 2005 |
| CERTIFICATE OF FACSIMILE                                                                                                                                  |                                                                                                                               |      |                  |
| I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to United States Patent and Trademark Office on this date. |                                                                                                                               |      | December 9, 2005 |
| Signature                                                                                                                                                 | <br>FRANK C. NICHOLAS (33,983)             | Date | December 9, 2005 |

PTO Form 1 (12/01), Approved for use through 9/30/05. Other Docs (001) - Patent and Trademark Office - U.S. DEPARTMENT OF COMMERCE.  
Under the Paper Reduction Act of 1995, no fee is required to respond to a correction or amendment - please display a valid DED card number.

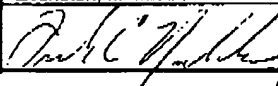
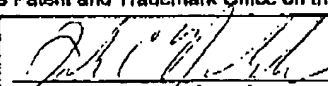
|                                                                                         |                      |                           |
|-----------------------------------------------------------------------------------------|----------------------|---------------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Attorney Docket No   | AUS920010283US1 (9000/37) |
|                                                                                         | Application Number   | 09/864,120                |
|                                                                                         | Filing Date          | MAY 24, 2001              |
|                                                                                         | First Named Inventor | KEVIN R. HOLUBAR          |
|                                                                                         | Group Art Unit       | 2654                      |
|                                                                                         | Examiner             | SERROU, A.                |

RECEIVED  
CENTRAL FAX CENTER  
DEC 09 2005

| ENCLOSURES (check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidants/declaration(s)<br><br><input type="checkbox"/> Status Letter<br><br><input type="checkbox"/> One-Month Petition for Extension of Time Request (dup)<br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement, PTO-1449<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers<br><br><input type="checkbox"/> Drawing Sheets<br><br><input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Petition Raising Sap (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> To Convert a Provisional Application<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><br><input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input checked="" type="checkbox"/> Appeal Brief<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Post Card Receipt<br><br><input type="checkbox"/> Additional Enclosure(s) (please identify below).<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM CORPORATION). A duplicate copy of this sheet is enclosed.                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.138(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM CORPORATION). A duplicate copy of this sheet is enclosed.                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                            |

## CALCULATION OF FEE

|                                           |                        |       |                                | Small Entity  |                 | Large Entity |    |                 |           |
|-------------------------------------------|------------------------|-------|--------------------------------|---------------|-----------------|--------------|----|-----------------|-----------|
|                                           | Claims After Amendment |       | Highest No Previously Paid For | Present Extra | Rate            | Add'l Fee    | or | Rate            | Add'l Fee |
| Total                                     |                        | Minus |                                | 0             | x \$25=         | 0            |    | x \$50=         |           |
| Indep                                     |                        | Minus |                                | 0             | x \$100=        | 0            |    | x \$200=        |           |
| First Presentation of Multiple Dep. Claim |                        |       |                                |               | + \$180=        | --           |    | + \$360=        |           |
|                                           |                        |       |                                |               | total add'l fee | \$ 0         |    | total add'l fee | \$ 0      |

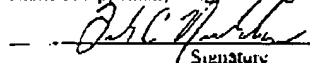
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT                                                                                                                                        |                                                                                                                               |      |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------|------------------|
| Firm or Individual name                                                                                                                                                           | FRANK C. NICHOLAS<br>Registration No. 33,983<br>CARDINAL LAW GROUP<br>1603 Orrington Avenue, Suite 2000<br>Evanston, IL 60201 |      |                  |
| Signature                                                                                                                                                                         |                                            | Date | December 9, 2005 |
| CERTIFICATE OF FACSIMILE                                                                                                                                                          |                                                                                                                               |      |                  |
| I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 to United States Patent and Trademark Office on this date: <u>December 9, 2005</u> |                                                                                                                               |      |                  |
| Signature                                                                                                                                                                         |                                            | Date | December 9, 2005 |
| FRANK C. NICHOLAS (33,983)                                                                                                                                                        |                                                                                                                               |      |                  |

RECEIVED  
CENTRAL FAX CENTER  
DEC 09 2005

## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted  
via facsimile to (571) 273-8300 to the United States  
Patent and Trademark Office on December 9, 2005  
(Date of Transmission)

FRANK C. NICHOLAS (33,983)  
Name of Appellant, assignee or registered representative

  
Signature

December 9, 2005  
Date of Signature

PATENT  
Case No. AUS920010283US1  
(9000/37)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

KEVIN R. HOLUBAR, ET AL.

Serial No.: 09/864,120

Filed: MAY 24, 2001

Title: METHOD AND SYSTEM FOR  
TRANSLATION MANAGEMENT OF  
SOURCE LANGUAGE TEXT PHRASES

Examiner: SERROU, A.

Group Art Unit: 2654

Conf. No.: 1468

APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

Dear Sir:

Appellants respectfully present their Brief on Appeal as follows:

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 2 of 24

## **TABLE OF CONTENTS**

|     |                                                         |    |
|-----|---------------------------------------------------------|----|
| 1.  | Real party in interest . . . . .                        | 3  |
| 2.  | Related appeals and interferences . . . . .             | 4  |
| 3.  | Status of claims . . . . .                              | 5  |
| 4.  | Status of amendments . . . . .                          | 6  |
| 5.  | Summary of claimed subject matter . . . . .             | 7  |
| 6.  | Grounds of rejection to be reviewed on appeal . . . . . | 8  |
| 7.  | Argument . . . . .                                      | 9  |
| 8.  | Conclusion . . . . .                                    | 12 |
| 9.  | Claims appendix . . . . .                               | 13 |
| 10. | Evidence appendix . . . . .                             | 24 |
| 11. | Related proceedings appendix . . . . .                  | 24 |

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 3 of 24

1. **REAL PARTY IN INTEREST**

The real party in interest is assignee INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation organized and existing under the laws of the State of New York, USA and located at New Orchard Road, Armonk, New York 10504, USA.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 4 of 24

2. **RELATED APPEALS AND INTERFERENCES**

Appellant and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 5 of 24

### 3. STATUS OF CLAIMS

Claims 1 - 30 are currently pending in the application and stand finally rejected. No amendments have been made, and no amendments have been entered. Claims 6-9 stand rejected under 35 U.S.C. §102(e) as anticipated by United States Patent 6,728,950 to Davis ("Davis"). Claims 1, 11, and 21 stand rejected under 35 U.S.C. §103(a) as unpatentable over Davis in view of United States Patent 6,360,358 to Elsbree ("Elsbree"). Claims 2-4, 12-14, and 22-24 stand rejected under 35 U.S.C. §103(a) as unpatentable over Davis in view of Elsbree in view of United States Patent 5,193,191 to McKeeman ("McKeeman"). Claims 10, 20, and 30 stand rejected under 35 U.S.C. §103(a) as unpatentable over Davis. All claims are on appeal. See, the Appendix.



December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 6 of 24

4. **STATUS OF AMENDMENTS**

No amendments have been made, or entered, in the application.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 7 of 24

**5. SUMMARY OF CLAIMED SUBJECT MATTER**

The invention provides a method of managing a translation of a master text file. The method includes storing S44 a first source language text phrase as a first entry within a database 26 and storing S54 a target language text phrase as a translated version of the first source language text phrase within the database 26 after a storage of the first source language text phrase within the database. The method further stores S64 a second source language text phrase as a modified version of the first source language text phrase within the database after a storage of the first source language text phrase within the database. The method communicates S88 a notification indicating the target language text phrase is an incorrect translation when the second source language text phrase is stored within the database after a storage of the target language text phrase within the database.

Another aspect of the invention provides a method for managing a master text file including a source language text phrase. The method includes storing S44 the source language text phrase as a first entry within a database 26 and importing S52 a translated text file corresponding to the master text file, the translated text file including one or more target language text phrases. Each target language text phrase is stored S54 as an individual entry within the database 26. A notification indicating the translated text file is an incomplete translation of the master text file is communicated S88 when all of the target language text phrases fail to correspond to the source language text phrase.

See pages 8-15 of the specification, and FIGS. 2-5.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 8 of 24

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Were claims 6-9 properly rejected under 35 U.S.C. §102(e) as anticipated by United States Patent 6,728,950 to Davis?
- B. Were claims 1, 11, and 21 properly rejected under 35 U.S.C. §103(a) as unpatentable over Davis in view of Elsbree?
- C. Were claims 2-4, 12-14, and 22-24 properly rejected under 35 U.S.C. §103(a) as unpatentable over Davis in view of Elsbree in view of McKeeman?
- D. Were claims 10,20, and 30 properly rejected under 35 U.S.C. §103(a) as unpatentable over Davis?

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 9 of 24

## 7. ARGUMENTS

### A. Claims 6-9, 16-19, and 26-29 were rejected as anticipated by Davis

The rejection of claims 6-9, 16-19, and 26-29 as anticipated under 35 U.S.C §102(e) over Davis is traversed. In order to maintain this §102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

At a minimum, Davis does not disclose "importing a translated text file corresponding to the master text file" as claimed in claims 6, 16, and 26. (emphasis added). Rather, Davis discloses a method and apparatus for translating between source and target code. See, the title of Davis – "METHOD AND APPARATUS FOR TRANSLATING BETWEEN SOURCE AND TARGET CODE."

Notably, the Examiner fails to indicate exactly where in Davis such a disclosure is made, instead citing generally to the *existence* of translated text files at column 4, lines 40-42. However, Davis does not teach *importing the translation text file* corresponding to the master text file. Instead, the translation file 28 of Davis is the result of the method disclosed by Davis in FIG. 2. See, Davis, FIG. 2, column 7, lines 23-67. "In this way, the source file 24 is efficiently and accurately translated into the translation file 28" (column 7, lines 65-67).

In other words, Davis discloses a method intended to create an accurate translation (see column 7, lines 65-67), while the claimed method manages translation of a master text file by importing an *already translated* text file corresponding to the master text file and performing additional steps.

Therefore, Davis cannot anticipate independent claims 6, 16, and 26, nor claims 7-9, 17-19, and 27-29 depending from claims 6, 16, or 26 respectively. Withdrawal of the rejections to claims 6-9, 16-19, and 26-29 is requested.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 10 of 24

**B. Claims 1, 11, and 21 were rejected as unpatentable over Davis in view of Elsbree**

The rejection of claims 1, 11, and 21 as unpatentable is traversed. In order to maintain this rejection, each and every element of the claims must be taught or suggested by the references, alone or in combination; there must be a motivation to combine the references; and the references must be analogous art.

Appellants note that the Examiner fails to illustrate how the similarities in structure and function of Davis and Elsbree render the references analogous art. While it is true that PTO classification is not a *sine qua non* of analogous art, disjoint in structure and function prevents references from being analogous art. Because the references are non-analogous art, combining their teachings is improper and cannot support a §103(a) rejection.

Furthermore, there is no motivation to combine the references taught by Davis in view of Elsbree, rendering the Examiner's rejection flawed for another reason. The Examiner correctly notes that the level of skill in the art does not act as a bridge over gaps in the substantive presentation of an obviousness case. However, the Examiner must prove that the teachings of Davis and Elsbree would suggest the claim limitations, and a conclusory statement cannot satisfy the Examiner's burden.

Furthermore, the teachings of Davis directly teach away from the claimed elements. It cannot be credibly argued that a method of accurately translating text (i.e. Davis' method and apparatus for translating between source and target code) would teach methods of managing a translation of a master text file including importation of a previously translated file.

Withdrawal of the rejections to claims 1, 11, and 21 is requested.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 11 of 24

**C. Claims 2-4, 12-14, and 22-24 were rejected as unpatentable over Davis in view of Elsbree and further in view of McKeeman**

The rejection of claims 2-4, 12-14, and 22-24 as unpatentable is traversed. In order to maintain this rejection, each and every element of the claims must be taught or suggested by the references, alone or in combination; there must be a motivation to combine the references; and the references must be analogous art.

Additionally, claims 2-4, 12-14, and 22-24 depend directly or indirectly from claims 1, 11, or 21, and are therefore patentable over Davis in view of Elsbree in view of McKeeman for at least the same reasons as above.

Withdrawal of the rejections to claims 2-4, 12-14, and 22-24 is requested.

**D. Claims 5, 15, and 25 were rejected without statutory citation**

The rejection of claims 5, 15, and 25 is traversed. Claims 5, 15, and 25 depend from claims 1, 11, or 21, respectively, and are therefore patentable over the prior art for at least the same reasons. Appellants specifically request that the Examiner provide a citation to law to support this rejection.

The Appellants seasonably traversed (in the response filed Sept. 29, 2005) the Examiner's statement that "it would have been to a person of ordinary skill in the art" (sic) "in order to indicate a need for adding new translated portions in the target text." Despite the traversal, the Examiner provided no evidence in support of the allegations, and therefore, the Examiner's allegations remain unsupported.

Withdrawal of the rejections to claims 5, 15, and 25 is requested.

**E. Claims 10, 20, and 30 were rejected as unpatentable over Davis**

The rejection of claims 10, 20, and 30 is traversed. Claims 10, 20, and 30 depend from claims 6, 16, or 21, respectively, and are therefore patentable over the prior art for at least the same reasons.

Withdrawal of the rejections to claims 5, 15, and 25 is requested.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 12 of 24

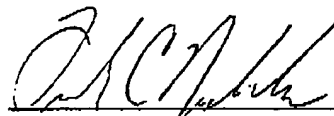
**CONCLUSION**

The Appellants respectfully submit that claims 1-30 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: **December 9, 2005**

Respectfully submitted,  
KEVIN R. HOLUBAR, *et al.*

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

  
\_\_\_\_\_  
Frank C. Nicholas  
Registration No. 33,983  
Attorney for Appellants

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 13 of 24

### **CLAIMS APPENDIX**

1. A method for managing a translation of a master text file, said method comprising:
  - storing a first source language text phrase as a first entry within a database;
  - storing a target language text phrase as a translated version of the first source language text phrase within the database after a storage of the first source language text phrase within the database;
  - storing a second source language text phrase as a modified version of the first source language text phrase within the database after a storage of the first source language text phrase within the database;
  - communicating a notification indicating the target language text phrase is an incorrect translation when the second source language text phrase is stored within the database after a storage of the target language text phrase within the database.
2. The method of claim 1, further comprising:
  - storing a first timestamp within the database that indicates a date and a time of the storage of the target language text phrase within the database; and
  - storing a second timestamp within the database that indicates a date and a time of the storage of the second source language text phrase within the database.



December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 14 of 24

3. The method of claim 2, further comprising:  
comparing the first timestamp and the second timestamp; and  
setting a flag within the database when a comparison of the first timestamp  
and the second timestamp indicates a storage of the second source language text phrase  
within the database occurred after the storage of the target language text phrase within the  
database.
4. The method of claim 3, wherein  
said setting of the flag is communicated as the notification.
5. The method of claim 2, further comprising:  
storing a copy of the second source language text phrase in a translated text  
file containing the target language text phrase when a comparison of the first timestamp and  
the second timestamp indicates a storage of the second source language text phrase within the  
database occurred after the storage of the target language text phrase within the database.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 15 of 24

6. A method for managing a master text file including a source language text phrase, said method comprising:
  - storing the source language text phrase as a first entry within a database;
  - importing a translated text file corresponding to the master text file, the translated text file including one or more target language text phrases;
  - storing each target language text phrase as an individual entry within the database;
  - communicating a notification indicating the translated text file is an incomplete translation of the master text file when all of the target language text phrases fail to correspond to the source language text phrase.
7. The method of claim 6, further comprising:
  - storing an identification number corresponding to the source language text phrase within the database.
8. The method of claim 7, further comprising:
  - setting a flag within the database when each individual entry of target language text phrases fails within the database to include the identification number.
9. The method of claim 8, wherein
  - said setting of the flag is communicated as the notification.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 16 of 24

10. The method of claim 7, further comprising:  
storing a copy of the source language text phrase in the translated text file  
when each individual entry of target language text phrases within the database fails to include  
the identification number.

11. A system for managing a translation of a master text file, said system  
comprising:  
a database;  
a computer;  
wherein said computer is operable to control a storage of a first source  
language text phrase as a first entry within said database;  
wherein said computer is further operable to control a storage of a target  
language text phrase as a translated version of the first source language text phrase within  
said database after a storage of the first source language text phrase within said database;  
wherein said computer is further operable to control a storage of a second  
source language text phrase as a modified version of the first source language text phrase  
within said database after a storage of the first source language text phrase within said  
database; and  
wherein said computer is further operable to communicate a notification  
indicating the target language text phrase is an incorrect translation when the second source  
language text phrase is stored within said database after a storage of the target language text  
phrase within said database.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 17 of 24

12. The system of claim 11, wherein:

said computer is further operable to control a storage of a first timestamp within said database that indicates a date and a time of the storage of the target language text phrase within said database; and

said computer is further operable to control a storage of a second timestamp within said database that indicates a date and a time of the storage of the second source language text phrase within said database.

13. The system of claim 12, wherein:

said computer is further operable to compare the first timestamp and the second timestamp; and

wherein said computer is further operable to control a setting of a flag within said database when a comparison of the first timestamp and the second timestamp indicates a storage of the second source language text phrase within said database occurred after the storage of the target language text phrase within said database.

14. The system of claim 13, wherein

said computer is further operable to communicate a setting of the flag as the notification.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 18 of 24

15. The system of claim 12, wherein:

said computer is further operable to control a storage of a copy of the second source language text phrase in a translated text file containing the target language text phrase when a comparison of the first timestamp and the second timestamp indicates a storage of the second source language text phrase within said database occurred after the storage of the target language text phrase within said database.

16. A system for managing a master text file including a source language text phrase, said system comprising:

a database;

a computer;

wherein said computer is operable to control a storage of the source language text phrase as an individual entry within said database;

wherein said computer is further operable to import a translated text file corresponding to the master text file, the translated text file including one or more target language text phrases;

wherein said computer is further operable to control a storage of each target language text phrase as an individual entry within said database; and

wherein said computer is further operable to communicate a notification indicating the translated text file is an incomplete translation of the master text file when all of the target language text phrases fail to correspond to the source language text phrase.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 19 of 24

17. The system of claim 16, wherein:  
said computer is further operable to control a storage of an identification number corresponding to the source language text phrase within the database.
18. The system of claim 17, wherein:  
said computer is further operable to control a setting a flag within said database when each individual entry of target language text phrases within said database fails to include the identification number.
19. The system of claim 18, wherein:  
said computer is further operable to communicate a setting of the flag as the notification.
20. The system of claim 17, wherein:  
wherein said computer is further operable to control a storage of a copy of the source language text phrase in the translated text file when each individual entry of target language text phrases within said database fails to include the identification number.

December 9, 2005

Case No. AUS920010283US1(9000/37)

Serial No.: 09/864,120

Filed: May 24, 2001

Page 20 of 24

21. A computer program product in a computer readable medium for managing a translation of a master text file, said computer program product comprising:

computer readable code for storing a first source language text phrase as a first entry within a database;

computer readable code for storing a target language text phrase as a translated version of the first source language text phrase within the database after a storage of the first source language text phrase within the database;

computer readable code for storing a second source language text phrase as a modified version of the first source language text phrase within the database after a storage of the first source language text phrase within the database;

computer readable code for communicating a notification indicating the target language text phrase is an incorrect translation when the second source language text phrase is stored within the database after a storage of the target language text phrase within the database.

22. The computer program product of claim 21, further comprising:

computer readable code for storing a first timestamp within the database that indicates a date and a time of the storage of the target language text phrase within the database; and

computer readable code for storing a second timestamp within the database that indicates a date and a time of the storage of the second source language text phrase within the database.

December 9, 2005

Case No. AUS920010283US1(9000/37)

Serial No.: 09/864,120

Filed: May 24, 2001

Page 21 of 24

23. The computer program product of claim 22, further comprising:  
computer readable code for comparing the first timestamp and the second  
timestamp; and  
computer readable code for setting a flag within the database when a  
comparison of the first timestamp and the second timestamp indicates a storage of the second  
source language text phrase within the database occurred after the storage of the target  
language text phrase within the database.

24. The computer program product of claim 23, wherein  
said computer readable code for setting of the flag is communicated as the  
notification.

25. The computer program product of claim 22, further comprising:  
computer readable code for storing a copy of the second source language text  
phrase in a translated text file containing the target language text phrase when a comparison  
of the first timestamp and the second timestamp indicates a storage of the second source  
language text phrase within the database occurred after the storage of the target language text  
phrase within the database.



December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 22 of 24

26. A computer program product for managing a master text file including a source language text phrase, said computer program product comprising:
- computer readable code for storing the source language text phrase as a first entry within a database;
  - computer readable code for importing a translated text file corresponding to the master text file, the translated text file including one or more target language text phrases;
  - computer readable code for storing each target language text phrase as an individual entry within the database;
  - computer readable code for communicating a notification indicating the translated text file is an incomplete translation of the master text file when all of the target language text phrases fail to correspond to the source language text phrase.
27. The computer program product of claim 26, further comprising:
- computer readable code for storing an identification number corresponding to the source language text phrase within the database.
28. The computer program product of claim 27, further comprising:
- computer readable code for setting a flag within the database when each individual entry of target language text phrases fails within the database to include the identification number.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 23 of 24

29. The computer program product of claim 28, wherein  
said computer readable code for setting of the flag is communicated as the  
notification.

30. The computer program product of claim 27, further comprising:  
computer readable code for storing a copy of the source language text phrase  
in the translated text file when each individual entry of target language text phrases within  
the database fails to include the identification number.

December 9, 2005  
Case No. AUS920010283US1(9000/37)  
Serial No.: 09/864,120  
Filed: May 24, 2001  
Page 24 of 24

**EVIDENCE APPENDIX**

Appellants entered no evidence pursuant to §1.130, 1.131 or 1.132, and the Examiner entered no evidence that was relied upon by Appellants.

**RELATED PROCEEDINGS APPENDIX**

There are no copies of related decisions or proceedings.